

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated April 4, 2007 (hereinafter Office Action) have been considered. Claims 1-43 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

1. Claims 1-42 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-42, 44-47, 51 and 54-58 of U.S. Patent No. 6,620,045 to Berman et al.

Applicants acknowledge the pending review of the terminal disclaimer that was received at the patent office on October 9, 2007.

2. Claims 1-16, 18-35 and 37-42 stand rejected under 35 U.S.C. §102(a) and alternatively under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,186,894 to Mayeroff (hereinafter “Mayeroff”).

The Applicants respectfully maintain that Mayeroff fails to teach the limitations of the rejected claims. However, in order to facilitate prosecution of the application and in a *bona fide* attempt to advance the application to allowance, the Applicants present this response with amendment to clarify particular aspects of the claimed invention. These amendments make more clear what is believed to have been originally set forth in these claims, but now states so more specifically.

For example, independent Claim 1 now recites receiving an indication to trade player assets for altering the odds of receiving at least one bonus activity without the trade affecting payout odds of the standard gaming activity. Independent Claims 18, 28, 37, 41-42 have been similarly amended. These amendments are supported in the Application as filed (*e.g.*, page 7, lines 10-26), and no new matter has been added.

On page 4 of the Final Office Action, the Examiner states

In brief summary of the above the invention of Mayeroff allows a player to place a wager amount beyond a base wager amount to purchase/activate additional paylines on a multi-reel slot machine. As the player receives awards including participation in a secondary event based purely on the symbols appearing on the active payline(s) it is inherent that

doubling the number of active paylines would result in a doubling of the odds of being awarded a secondary event.

Therefore, the rejections clearly rely on a purportedly inherent teaching by Mayerhoff of increasing the odds of being awarded a secondary event due to increasing the number of active paylines. However, the purpose of increasing paylines is to increase the odds of a payout in the main game described in Mayerhoff. As a result, a player would not recognize that increasing active paylines as being, in and of itself, a trade of assets for altering the odds of receiving a bonus activity. Clearly such an increase in active paylines is not a trade for altering the odds of receiving a bonus activity without the trade affecting payout odds of the standard gaming activity, such as set forth in Claim 1 as amended.

For at least this reason, Mayerhoff fails to anticipate independent Claims 1, 18, 28, 37, 41-42. Dependent Claims 2-16 depend from independent Claim 1; dependent Claims 19-27 depend from independent Claim 18; dependent Claims 29-35 depend from independent Claim 28; and dependent Claims 38-40 depend from independent Claim 37. Applicants maintain the previously asserted arguments as to particular ones of these dependent claims. Also, in view of the amendments to Claims 1, 18, 28, and 37, dependent Claims 2-16, 19-27, 29-35, and 38-40 are further allowable over Mayerhoff for the reasons given above regarding Claims 1, 18, 28, and 37. These dependent claims include all of the limitations of the base claims and any intervening claims, and recite additional features which further distinguish these claims from Mayerhoff.

3. Claim 43 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,599,192 to Baerlocher , et al. (hereinafter “Baerlocher”).

Applicants respectfully traverse the rejection. Claim 43 involves awarding an increase in the odds of receiving a bonus event. The cited portions Baerlocher, on the other hand, describes a motorcycle jump game progressing through levels. As obtaining successful jumps become harder, the awards become larger and there is an increasing likelihood of a crash. The player can stop the game at any point and keep the currently achieved award. Applicants do not acquiesce that that the described motorcycle game teaches receiving a bonus event through participation in a standard mode of play. Nonetheless, if anything, Baerlocher shows a decrease in the odds of receiving an award by going on to a successive level. The decision a player makes in Baerlocher is whether to risk the credits already received for some potentially higher credit amount in the

next level, where the higher award is associated with lower odds of success. In Claim 43, the player is awarded with an increased chance of getting a bonus event itself, where the player receives an indication to trade the awarded increase in the odds of receiving the bonus event for a payout amount. Because Baerlocher does not teach all the limitations of Claim 43, it does not anticipate Claim 43.

4. Claims 17 and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mayeroff.

The Applicants respectfully traverse the rejection. The Applicants submit that Mayeroff does not teach or suggest that which is presented at least in independent Claims 1 and 28 from which Claims 17 and 36 are respectively dependent. While Applicants do not acquiesce with any particular rejections to these dependent claims, including any assertions concerning common knowledge, obvious design choice and/or what may be otherwise well-known in the art, Mayeroff fails to teach what it is purported to teach as previously remarked in connection with independent Claims 1 and 28. Dependent Claims 17 and 36 recite additional features in addition to those in Claims 1 and 28, so these claims are also allowable over Mayeroff.

Authorization is given to charge Deposit Account No. 50-3581 (KING.004CIP1) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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